

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
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-v- :  
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JIAN MIN HUANG :  
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Defendants ::  
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1:18-cr-827-GHW-2

ORDER

GREGORY H. WOODS, United States District Judge:

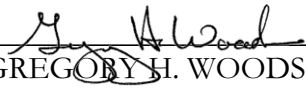
The defendant's January 9, 2020 sentencing submission, Dkt. No. 101, raises a number of issues that the Court believes should be resolved prior to sentencing. For example, Ms. Huang takes positions that appear to be inconsistent with her plea agreement—in particular by arguing for a departure from the applicable guidelines range, and for a minor role adjustment not provided for in the parties' stipulated guidelines range. Ms. Huang also takes the position that the Government has "failed in its duty to satisfy the 'preponderance of the evidence' quantum of proof standard" with respect to the assessment of the appropriate loss amount. It appears that Ms. Huang may also wish to present evidence to the Court to support her claim for entitlement to a minor role adjustment.

As a result of the issues raised by the defendant's sentencing submission, including the issues highlighted above, sentencing will not take place on January 24, 2020 at 4:00 p.m. as currently scheduled. Instead, the Court will hold a conference at that date and time to discuss the parties' respective positions regarding the positions asserted by the defendant in her sentencing submission, and their effect on the defendant's plea agreement. In the event that the defendant wishes to pursue the minor role adjustment suggested in the sentencing submission, or issues with respect to the loss

amount, the Court will also discuss the need to conduct a *Fatico* hearing with respect to those and any other factual issues relevant to sentencing.

SO ORDERED.

Dated: January 19, 2020  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge